



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PILLSBURY WINTHROP SHAW
PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

COPY MAILED

DEC 08 2008

In re Application of	:	
Christopher Paul Chambers	:	
Application No. 10/762294	:	
Filing or 371(c) Date: 01/23/2004	:	ON PETITION
Attorney Docket Number:	:	
016955-0307491	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 16, 2008, to revive the above-identified application.

This Petition is hereby **granted**.

Background

A final Office action was mailed February 28, 2006, wherein no claims were allowed. Applicant filed a Notice of Appeal on June 28, 2006, and thereafter timely filed an appeal brief on February 20, 2007. The appeal brief was non-compliant. Applicant was so notified in a Notice of Non-Compliant Appeal Brief (Notice), mailed June 26, 2007. The Notice set a one (1) month or thirty day period for reply from the mail date of the Notice. Applicant filed a Supplemental Appeal Brief in response to the Notice on July 17, 2007; however, the Supplemental Appeal Brief was also noncompliant. Applicant was so notified in an Office communication, mailed September 6, 2007. The period for response remained as set forth in the Notice of Non-Compliant Appeal Brief, mailed June 26, 2007. No timely and properly having been received, and no claims having been allowed, the appeal was dismissed and the application became abandoned on May 29, 2007¹.

The present petition

Applicant files the present request for reconsideration and a Supplemental Appeal Brief. The Appeal Brief has been approved by the Examiner.

¹ The MPEP, 1205.02, provides that the appeal will be dismissed if the appellant does not timely file an amended brief, or files an amended brief which does not overcome all the reasons for noncompliance of which the appellant was notified.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

Accordingly, the petition is granted. Accord MPEP 1215.04. The application is being referred to Technology Center Art Unit 3654 for processing of the Supplemental Appeal Brief.

Telephone inquiries concerning this petition Decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions